

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

“Mikey J.” O’Donnell,

File No. 21-cv-177 (ECT/TNL)

Plaintiff,

v.

Jodi Harpstead, Commissioner
MSPPTC/DHS-MSOP; St. Louis County
District Court; St. of Minnesota, Tim Walz,
Governor; Erok Skon, Dept. of Corrections
and DHS; Carlton County District Court, 6th
Judicial District,

**ORDER ACCEPTING REPORT
AND RECOMMENDATION**

Defendants.

Plaintiff Mikey J. O’Donnell brought this action against several Minnesota officials and Minnesota state courts. ECF No. 1. In a Report and Recommendation (R&R) issued on February 25, 2021, Magistrate Judge Tony N. Leung recommended that Plaintiff’s pending motions be denied, that his application to proceed *in forma pauperis* be denied, and that the action be dismissed without prejudice under 28 U.S.C. § 1915(e)(2)(B). R&R at 5–6 [ECF No. 7]. No party has objected to the R&R, and it is therefore reviewed for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Based on that review, the R&R will be accepted.

Although Plaintiff did not file objections to the R&R, he did file an amended complaint after the R&R was issued. *See* Am. Compl. [ECF No. 8]. The amended complaint adds some new requests for relief and exhibits that were not included with the original complaint, but it does not address the problems identified in the R&R.

Specifically, any challenge to the lawfulness of Plaintiff's ongoing detention is barred by principles derived from *Heck v. Humphrey*, 512 U.S. 477 (1994). As for any non-*Heck*-barred claims, Plaintiff has not plausibly alleged that any aspect of federal law entitles him to the relief he seeks. The amended complaint therefore does not affect the proper disposition of this case. *See Two Bears v. Minnesota*, No. 17-cv-1272 (PJS/TNL), 2017 WL 8786488 (D. Minn. Nov. 30, 2017).

Based on the foregoing, and on all of the files, records, and proceedings in the above-captioned matter, **IT IS ORDERED THAT:**

1. The Report and Recommendation [ECF No. 7] is **ACCEPTED**;
2. Plaintiff's Motion to Appoint Counsel [ECF No. 4] is **DENIED**;
3. Plaintiff's Motion for Miscellaneous Relief [ECF No. 5] is **DENIED**;
4. This action is **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B); and
5. Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs [ECF No. 2] is **DENIED AS MOOT**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 30, 2021

s/ Eric C. Tostrud
Eric C. Tostrud
United States District Court